



MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

Enforcement Program

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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

April 29, 2019

Ben Huon Lee, M.D.
3680 Wilshire Blvd., 2nd Floor
Los Angeles, CA 90010

RE: Physician's and Surgeon's Certificate No. G 148064
Case Number 800-2019-052686

Public Letter of Reprimand

On January 10, 2019, the Colorado Medical Board issued a Letter of Admonition failing to monitor the quality of services performed by delegates, to personally assess the qualifications and competence of delegates, to create comprehensive written protocols for used by delegates, and to create written emergency protocols for delegates. A copy of the Colorado Medical Board's documents are attached as Exhibit A.

These actions constitute a violation of California Business and Professions Code sections 141(a), 2234 and 2305.

Pursuant to the authority of the California Business and Professions Code section 2233, you are hereby issued this Public Letter of Reprimand by the Medical Board of California.

Kimberly Kirchmeyer
Executive Director

Exhibit A



COLORADO

Department of
Regulatory Agencies

Division of Professions and Occupations



VIA CERTIFIED MAIL

January 10, 2019

Case Nos. 2018-2730-A and 2018-6665-A

Ben H. Lee, M.D.

Dear Dr. Lee:

Inquiry Panel A ("Panel") of the Colorado Medical Board ("Board") has concluded its inquiry regarding your conduct as a licensed physician. It was the Panel's decision not to commence with formal proceedings against your license to practice medicine. However, the Panel did vote to administer disciplinary action to you in the form of this letter of admonition.

As you recall, in September through November 2017, you were the Medical Director for a number of laser and skin care clinics. You supervised unlicensed individuals ("delegates") pursuant to Colorado Medical Board Rule 800 ("Rule 800"). One of your delegates treated patient A.P. with Intense Pulse Light ("IPL") on the back of her hands. The patient was subsequently diagnosed with a second degree burn on her right hand, and a partial thickness burn on her left hand. Another one of your delegates injected patient C.M. with Botulinum A Toxin ("Botox"), and the patient complained to the Board that following the injections, she was unable to move her lip properly, and that her lip was visibly distorted. In your response to the Board through counsel, you stated that with respect to your supervision of delegates: you do not schedule annual over-the-shoulder observations of delegates; you do not visit each facility at least every two weeks, but instead you are on-site on a monthly basis at the various facilities; you have not implemented standard written protocols for Botox, injectable fillers, or laser procedures; and you do not have any written emergency protocols.

After a review of all the information in this matter, the Panel found that your conduct fell below the generally accepted standards of practice for a physician, constituting unprofessional conduct in violation of section 12-36-117 of the Colorado Revised Statutes, and Rule 800. Specifically, you failed to comply with Rule 800 written protocols with regard to: monitoring the quality of services performed by delegates at least every two weeks at



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the respective sites; personally assessing the qualifications and competence of delegates on at least an annual basis, including, but not limited to, over-the-shoulder monitoring of the delegates' performance of each delegated medical service; creation of comprehensive written protocols for use by delegates for each procedure that you delegate; and the creation of written emergency protocols to be in place at any time the delegating physician is not physically located on the premises where medical services are provided by delegates, and for use by delegates when medical services result in adverse events. It is imperative that you comply with each and every requirement of Rule 800.

By this letter, the Panel hereby admonishes you and cautions you that complaints disclosing any repetition of such practice may lead to the commencement of formal disciplinary proceedings against your license to practice medicine, wherein this letter of admonition may be entered into evidence as aggravation.

You are advised that it is your right to have this case reviewed in an administrative proceeding. To do so, you must submit a written request within twenty (20) days after receipt of this letter. In your request, you must clearly ask that formal disciplinary proceedings be initiated against you to adjudicate the propriety of the conduct upon which this letter of admonition is based. If such request is timely made, this letter of admonition will be deemed vacated, and the matter will be processed by means of a formal complaint and hearing in accordance with the provisions of the Medical Practice Act.

Sincerely,

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A


Amanda M. Mixon, P.A.
Acting Chair

AMM/idj

cc: Lynn Pierce, Esq.
John T. Hyland, Esq.